

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

BILL: CS/SB 1714

SPONSOR: Health, Aging, and Long-Term Care Committee and Senator Jones

SUBJECT: Optometry

DATE: April 21, 2003

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Munroe	Wilson	HC	Favorable/CS
2.				
3.				
4.				
5.				
6.				

I. Summary:

The bill requires the Division of Medical Quality Assurance of the Department of Health to conduct a study of clinical and academic training requirements of certified optometric practitioners, licensed pursuant to chapter 463, Florida Statutes, to determine the extent to which prescribing authority may be expanded. The bill creates a study group composed of three pharmacologists, two ophthalmologists, one board-certified internist, one optometrist, and two certified optometric practitioners. The study group shall be chaired by the Secretary of Health or his or her designee. The study must be completed and a final report presented to the Governor, President of the Senate, and Speaker of the House of Representatives no later than January 15, 2004. If applicable, a minority report shall be completed and presented to same by January 31, 2004.

This bill creates one undesignated section of law.

II. Present Situation:

Chapter 463, F.S., provides for the regulation of the practice of optometry. Section 463.002, F.S., defines "optometry" to mean the diagnosis of conditions of the human eye and its appendages; the employment of any objective or subjective means or methods, including the administration of topical ocular pharmaceutical agents, for the purpose of determining the refractive powers of the human eyes, or any visual, muscular, neurological, or anatomic anomalies of the human eyes and their appendages; and the prescribing and employment of lenses, prisms, frames, mountings, contact lenses, orthoptic exercises, light frequencies, and any other means or methods, including topical ocular pharmaceutical agents, for the correction, remedy, or relief of any insufficiencies or abnormal conditions of the human eyes and their appendages. The Board of Optometry has authority to adopt administrative rules to implement the provisions of ch. 463, F.S., conferring

duties upon it, including rules relating to the administration and prescription of topical ocular agents.

A “licensed practitioner” means a person who is a primary health care provider licensed to practice optometry in Florida. A licensed practitioner who is not a “certified optometrist” must be required to display at her or his place of practice a sign that states, “I am a Licensed Practitioner, not a Certified Optometrist, and I am not able to prescribe topical ocular pharmaceutical agents.” A “certified optometrist” means a licensed practitioner authorized by the board to administer topical ocular pharmaceutical agents. Prescribing, ordering, dispensing, administering, supplying, selling, or giving any systemic drugs by a “licensed practitioner” is prohibited pursuant to s. 463.014(3), F.S.

Certified optometrists may administer and prescribe topical ocular pharmaceutical agents as provided in this section for the diagnosis and treatment of ocular conditions of the human eye and its appendages without the use of surgery or other invasive techniques. A committee makes advisory recommendations to the Board of Optometry regarding a formulary of topical ocular pharmaceutical agents that a certified optometrist may use in his or her practice. The committee is composed of two Florida-licensed optometrists, appointed by the Board of Optometry, two board-certified ophthalmologists who must be Florida licensed medical or osteopathic physicians, appointed by the Board of Medicine, and one additional person with a doctoral degree in pharmacology who is not a Florida-licensed medical or osteopathic physician, appointed by the Secretary of the Department of Health.

The committee must review requests for additions to, deletions from, or modifications of a formulary of topical ocular pharmaceutical agents for administration and prescription by certified optometrists and must make advisory opinions and recommendations to the Board of Optometry. The formulary must consist of those topical ocular pharmaceutical agents that the certified optometrist is qualified to use in the practice of optometry. The board must establish, add to, delete from, or modify the formulary by rule. Notwithstanding any provision of ch. 120, F.S., to the contrary, the formulary rule shall become effective 60 days from the date it is filed with the Secretary of State. Any person who requests an addition, deletion, or modification of an authorized topical ocular pharmaceutical agent has the burden of proof to show cause why such addition, deletion, or modification should be made. The Secretary of the Department of Health has standing to challenge any rule or proposed rule of the board pursuant to the Administrative Procedure Act and standards specified in ch. 463, F.S.

A certified optometrist must be issued a prescriber number by the Board of Optometry and any prescription written by a certified optometrist for a topical ocular pharmaceutical agent must have the prescriber number printed thereon. The holder of a faculty certificate may engage in the practice of optometry but may not administer or prescribe topical ocular pharmaceutical agents unless the certificate holder has satisfied the requirements specified in ch. 463, F.S.

Persons desiring to practice optometry must apply to take the licensure and certification examinations if they are at least 18 years of age and have satisfied the education requirements, which include graduation from an accredited school or college of optometry approved by the Board of Optometry, are of good moral character, have successfully completed at least 110 hours of transcript-quality coursework and clinical training in general and ocular pharmacology as

determined by the board, and have completed at least 1 year of supervised experience in differential diagnosis of eye diseases or disorders as part of the optometric training.

An optometrist is subject to discipline if he or she: practices or offers to practice beyond the scope permitted by law; accepts and performs professional responsibilities that she or he knows, or has reason to know, she or he is not competent to perform; or violates ch. 463, F.S., ch. 456, F.S., the general regulatory provisions for health care practitioners under the Department of Health, and any rules adopted thereto.

III. Effect of Proposed Changes:

Section 1. Requires the Division of Medical Quality Assurance of the Department of Health to conduct a study of clinical and academic training requirements of certified optometric practitioners, licensed pursuant to chapter 463, Florida Statutes, to determine the extent to which prescribing authority may be expanded. The bill creates a study group to be composed of the following members: one pharmacologist representing the University of Florida; one pharmacologist representing Nova Southeastern University; one pharmacologist representing Florida Agricultural and Mechanical University; one ophthalmologist representing Mayo Clinic Jacksonville; one ophthalmologist representing Bascom Palmer Eye Institute; one board-certified internist appointed by the University of South Florida; one optometrist representing the Florida Board of Optometry; one certified optometric practitioner representing the Florida Optometric Association; and one certified optometric practitioner appointed by the Nova Southeastern University College of Optometry. The study group shall be chaired by the Secretary of Health or his or her designee. The study shall be completed and a final report presented to the Governor, President of the Senate, and Speaker of the House of Representatives no later than January 15, 2004. If applicable, a minority report shall be completed and presented to same by January 31, 2004.

Section 2. Provides an effective date of upon becoming a law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

The provisions of this bill have no impact on municipalities and the counties under the requirements of Article VII, s. 18 of the Florida Constitution.

B. Public Records/Open Meetings Issues:

The provisions of this bill have no impact on public records or open meetings issues under the requirements of Art. I, s. 24(a) and (b) of the Florida Constitution.

C. Trust Funds Restrictions:

The provisions of this bill have no impact on the trust fund restrictions under the requirements of Article III, Subsection 19(f) of the Florida Constitution.

V. Economic Impact and Fiscal Note:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The Department of Health will incur costs to conduct a study of the clinical and academic training requirements of certified optometric practitioners to determine the extent to which prescribing authority may be expanded.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Amendments:

None.

This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.
